

The Victorian Court Hierarchy

Area of Study 3

The Victorian Courts

- The Victorian Court System is made up of 3 courts and 2 major specialist courts

the Magistrates Court

- is the lowest in the court hierarchy
- all criminal cases come before the Magistrates court
- It has the most limited jurisdiction, but hears 90% of cases
- Its jurisdiction covers the following types of cases;
 - Summary Offences
 - Indictable Offences heard summarily
 - committal proceedings
 - warrants and bail applications
 - special courts or lists

Summary

- ✦ Generally of a less serious nature
- ✦ and are heard and determined by a magistrate
- ✦ i.e. drunk and disorderly, traffic offences, minor drug cases

Indictable offences heard summarily

- ✦ Indictable offences are more serious and are heard by a judge and jury in a higher court.
- ✦ This means the accused may elect to have some indictable offences heard in the magistrates court in the same way as a summary offence.
- ✦ The courts jurisdictional limit is at \$100,000

Committal Hearing

- ✦ Committal proceedings for indictable offences are heard in the magistrates court.
- ✦ its purpose is to determine whether there is sufficient evidence to justify a conviction by a jury in a higher court.
- ✦ it does not decide on a guilty or innocent charge

Warrants and Bail

- ✦ Bail is the release of a person charged with an offence on the condition that they appear in court.
- ✦ If the person does not come to court on that specific day the bail is lost
- ✦ Surety can be asked for

Specialists in the Magistrates court

- ✦ the magistrate court includes specialist jurisdictions that are designed to deal with different issues.
- ✦ they are generally less formal
- ✦ more flexible and focus on solutions to specific problems

Specialist Lists in the Mag

- ✦ Drug Court
- ✦ sentences and supervises the treatment of offenders who have committed an offence under the influence.
- ✦ An offender will be sentenced to a two-year drug treatment order
- ✦ The infringements court
- ✦ Deals with the processing and enforcements of infringement notices

Specialists in the Magistrate

- ✦ Justice Centres
- ✦ operate as community centres and multi-jurisdictional courts.
- ✦ Family Violence Court Division
- ✦ hears matters relating to domestic violence and aims to make the process of applying for an intervention order easier

Specialists of The Magistrate

- The Koori Court
- sentences aboriginal defendants who have pleaded guilty
- Informal and allows the aboriginal community to participate in the court process.
- Aboriginal Elder will help
- Assessment and Referral Court list
- for mental health issues
- Sexual Offenders List
- used for hearing all cases relating to a charge for sexual offence

The Coroners Court



The Coroners Court

- ✦ The Coroners Act 2008 (Vic) establishes the first inquisitorial court
- ✦ The coroner (magistrate) has the power to investigate reportable deaths, reviewable deaths and fire.
- ✦ Reportable deaths are deaths where;
 - ✦ a person dies suddenly
 - ✦ homicide is suspected
 - ✦ the person who dies was being held in care (by the state)
 - ✦ the identity of the deceased is unknown.
 - ✦ The death occurred under prescribed circumstances
 - ✦ the attorney general or state coroner directs the trial

Coroners Court

- ✦ The reviewable death is where there has been a second or subsequent death of a child in a family. Doctors and police officers must report this regardless of the circumstances.
- ✦ they can also advise on how fires can be avoided in the future and to inform the community on the courts findings.



The Children's Court

Children's Court

- ✦ A child is defined as anyone under 18 at the time of the offence and who is under the age of 19 when the case is being heard.
- ✦ There are 2 divisions, the children's court and the children's koori court

- ✦ the children's court has the power to hear most cases concerning children. (between 10-18), usually including
 - ✦ all summary offences
 - ✦ all indictable offences apart from the most serious (murder, manslaughter, death)
 - ✦ committal hearings
 - ✦ bail applications

Family Division

- ✦ Younger people under the age of 17 who are in need of care and protection
- ✦ usually if they are abandoned or ill treated, their parents do not exercise sufficient control.
- ✦ They can also hear cases in which “irreconcilable differences” between the parent and child that are likely to result in a serious disruption to the younger persons care.

Childrens Koori Court

- ✦ the court room is structured around an oval table
- ✦ magistrate, 2 elders, the prosecutor, youth justice worker, the defence lawyer, the defendant and family members and any other participants.
- ✦ Has similar powers to the Childrens court